

2312-105
SAS:elp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takashi AOYAMA et al.

Serial No. 09/438,392

Filed: 12 November 1999

For: A CHEMICAL INDUCIBLE
PROMOTER USED TO OBTAIN
TRANSGENIC PLANTS
WITH A SILENT MARKER



) Box Missing Parts

) Attention:
) Applications Branch

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated 21 December 1999, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted.

Also attached is a check in payment of the following fees:

\$ 65.00 (surcharge under 37 C.F.R. 1.16(e))
380.00 (basic filing fee)
570.00 (additional claims fee)
\$1,015.00 TOTAL

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135. An additional copy of this letter is enclosed for that purpose.

The following document(s) is/are being submitted concurrently:

- A declaration claiming small entity status.

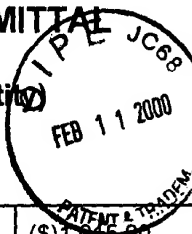
The following document(s) is/are being submitted concurrently under separate cover:

- An Assignment, together with PTO form 1595 and a separate check for \$40.00.

Respectfully submitted,

By Stephen A. Saxe
Stephen A. Saxe, Ph.D.
Attorney for Applicants
Registration No. 38,609
ROTHWELL, FIGG, ERNST & KURZ, p.c.
Suite 701-E, 555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202)783-6040

Dated 11 February 2000
2312-105.NMP

FEE TRANSMITTAL (Small Entity) 		Complete if Known	
		Application Number	09/438,392
		Filing Date	12 November 1999
		First Named Inventor	Takashi AOYAMA et al.
		Group Art Unit	1649
Examiner Name		Not Assigned	
Total Amount of Payment	(\$) 1,046.00	Attorney Docket Number	2312-105

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Kurz

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Charge for the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed: Check

FEE CALCULATION
1. FILING FEE

Fee Description	Fee Code	Fee Paid
<input checked="" type="checkbox"/> Utility Filing Fee	201	380
<input type="checkbox"/> Design Filing Fee	206	155
<input type="checkbox"/> Plant Filing Fee	207	240
<input type="checkbox"/> Reissue Filing Fee	208	345
<input type="checkbox"/> Provisional Filing Fee	214	75

SUBTOTAL \$380.00

2. CLAIMS

	Fee from	Extra	below		Fee Paid
Total Claims	66 - 20 =	46	x 9	=	414.00
Independent Claims	7 - 3 =	4	x 39	=	156.00
Multiple Dependent Claims		+	130	=	

SUBTOTAL \$ 570.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Description	Fee Code	Fee Paid
<input checked="" type="checkbox"/> Surcharge - late filing fee or oath	205	65
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	227	25
<input type="checkbox"/> Non-English specification	139	130
<input type="checkbox"/> For filing a request for reexamination	147	2,520
<input type="checkbox"/> Requesting publication of SIR prior to Examiner action	112	920
<input type="checkbox"/> Requesting publication of SIR after Examiner action	113	1,840*
<input type="checkbox"/> Extension for reply within first month	215	55
<input type="checkbox"/> Extension for reply within second month	216	190
<input type="checkbox"/> Extension for reply within third month	217	435
<input type="checkbox"/> Extension for reply within fourth month	218	680
<input type="checkbox"/> Extension for reply within fifth month	228	925
<input type="checkbox"/> Notice of Appeal	219	150
<input type="checkbox"/> Filing a brief in support of an appeal	220	150
<input type="checkbox"/> Request for Oral Hearing	221	130
<input type="checkbox"/> Petition to institute a public use proceeding	138	1,510
<input type="checkbox"/> Petition to revive -unavoidable	240	55
<input type="checkbox"/> Petition to revive - unintentional	241	605
<input type="checkbox"/> Utility issue fee (or reissue)	242	605
<input type="checkbox"/> Design issue fee	243	215
<input type="checkbox"/> Plant issue fee	244	290
<input type="checkbox"/> Petitions to the Commissioner	122	130
<input type="checkbox"/> Petitions related to provisional applications	123	50
<input type="checkbox"/> Submission of Information Disclosure Statement	126	240
<input type="checkbox"/> Recording each patent assignment per property (times number of properties)	581	40
<input type="checkbox"/> Filing a submission after final rejection (37 CFR 1.129(a))	246	345
<input type="checkbox"/> For each additional invention to be examined (37 CFR 1.129(b))	249	345

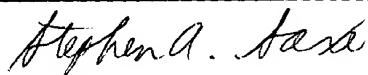
Other fee (specify)

☐

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$65.00

03/16/2000 BFRIEDSON 00000004 022135 09438392

01 RECEIVED BY 78.00 CH		Complete (if applicable)			
NAME & REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609				
SIGNATURE		DATE	11 February 2000	DEPOSIT ACCOUNT USER ID	02-2135



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/438,392	11/12/99	ADYAMA	T 2312-105

STEPHEN A SAXE PH D
ROTHWELL FIG ERNST & KURZ
SUITE 701 EAST
555 13TH STREET NW
WASHINGTON DC 20004

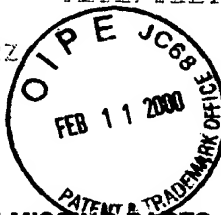
0262/1221

NOT ASSIGNED

1649

DATE MAILED:

12/21/99



NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1952.

- ☒ 1. The statutory basic filing fee is:
- ☒ missing.
 - ☐ insufficient.
- Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☒ 2. The following additional claims fees are due:
- \$ 828 for 46 total claims over 20.
- \$ 234 for 3 independent claims over 3.
- \$ _____ for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:
- ☒ is missing or unsigned.
 - ☐ does not cover the newly submitted items.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration: _____

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application was filed in a language other than English.
- Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

09/438392 380.00 DP
00000000 65.00 DP
SLUAMS 156.00 DP
00000000 414.00 DP
01/14/2000
0 FC:201
0 FC:202
0 FC:203